

VILLAGE OF BLUE HERON PINES
HOMEOWNERS ASSOCIATION, INC.

ARCHITECTURAL DESIGN REVIEW
COMMITTEE GUIDELINES

Origination Date: March 1997

First Revision: March 10, 2003

Last Revision: December 7, 2011

FORWARD

Practically every automatic-membership community association has the power of design review or architectural control, and it is as basic a function as maintenance of common areas. Properly exercised, design review can create and preserve an attractive, livable community.

Failure to exercise design review properly can create major problems for a community, in the form of misunderstanding and controversy among the homeowners, inconsistencies and unfairness in treatment, a plethora of real or imagined violations and a series of expensive and protracted court cases. Additionally, the association and its members may suffer major property value losses if design review is absent or ineffective.

Design review impacts all who have a vested interest, directly or indirectly, in community associations. Homeowners, of course, are affected most directly and for the longest period of time. A properly designed and operated system of design review will yield substantial benefits to all.

An essential element of successful design review is recognition by all members of the community that it is a benefit, and not a burden.

**VILLAGE OF BLUE HERON PINES
HOMEOWNERS ASSOCIATION, INC.
RESOLUTION NO. _____**

**VILLAGE OF BLUE HERON PINES
ARCHITECTURAL GUIDELINES**

WHEREAS, Section 8 of the Declaration of Covenants, Conditions and Restrictions for the *Village of Blue Heron Pines*, Galloway Township, NJ (*the Declaration*) provides for the creation of an Architectural Design Review Committee; and

WHEREAS, Section 4 8.03, 8.04 and the existing Architectural Guidelines establishes use restrictions applicable to all lots, dwelling units and community facilities for aesthetic appearances and architectural control;

NOW, THEREFORE, BE IT RESOLVED THAT the following additional specific architectural guidelines are hereby adopted by the Homeowners Association Board of Directors:

***VILLAGE OF
BLUE HERON PINES HOMEOWNERS ASSOCIATION
RESOLUTION NO. _____***

ARCHITECTURAL GUIDELINES

Revised _____
ADRC Approved _____
BHP-HOA Approved _____
BHP-HOA Board of Directors Approval _____

INTRODUCTION

One of the reasons the *Village of Blue Heron Pines* is a special place is that all property is subject to use restrictions applicable to all lots, dwelling units and community facilities. The basic purpose of these restrictions is to uphold the property values for all residents. This is done by:

- Preserving the design integrity and architectural quality of the land and dwellings at the *Village of Blue Heron Pines*;
- Maintaining the high aesthetic standards that make the *Village of Blue Heron Pines* such an attractive and desirable place to live;
- Preventing the deterioration of neighborhoods that inevitably follows a “let people do whatever they want” philosophy of construction, maintenance, and property use;

These objectives are accomplished through a review system, which applies to all property, and which is defined in the *Village of Blue Heron Pines* Association By-Laws and guidelines.

The architectural guide document is intended to provide you with the information you need to make the system work for you, and for everyone in the community.

The intent of the Architectural Guidelines is to provide the homeowner, businessman, developer, etc. with regulations to govern any exterior alterations made to structures, fences, and so forth. Certain exterior alterations falling within the categories defined within these guidelines will require approval by the Township of Galloway and the Architectural Design Review Committee (ADRC). The Township of Galloway requires building permits be obtained for certain alterations and additions.

This document is a guide for the members of the ADRC, and property owners. It is the intention of this booklet to increase the owners’ and residents’ awareness of the responsibilities they must assume. These guidelines are broad-based and address typical home improvements.

These guidelines are to be used in conjunction with those previously established in Sections 4 and 8 of the Declaration of Covenants, Conditions and Restrictions, which may be found in the Public Offering Statement. These guidelines supersede all previous additions where intents of the guidelines are

similar. Any questions or clarification should be directed to the ADRC. Those approvals previously granted prior to adoption of the last revisions shall be grand-fathered and remain in effect.

HOW TO USE THIS BOOKLET

The *Village of Blue Heron Pines* property owners who want to change the external appearance of their property are highly encouraged to read and understand the ADRC guidelines prior to submitting application to the committee. The ADRC committee is available to assist homeowners with the application process. This User's Guide to the Design Guidelines and Design Review Process will help you in planning and making any such change. **KEEP IN MIND NO WORK MAY BEGIN WITHOUT PRIOR ADRC APPROVAL.**

If you want to know why the *Village of Blue Heron Pines* has this requirement, and how the process works, read:

- **Introduction**
- **Section 1 – Governing Articles, Property Review and Fine Schedule**
- **Section 2 – Design Criteria** – General Principles and the subsection that relates to your type of property
- **Section 3 – Standards of Maintenance**

If you want to know how to prepare and submit to the ADRC application for change to your property, read:

- **Section 4 – Application Procedures**
- **Section 5 – Guidelines for Additions and Alterations**
The introduction and subsection that relates to the specific kind of change (decks, fencing, etc.) you want to make. This is to be used in addition to those guidelines and restrictions established previously in the Declaration in Sections 4.01, 8.03 and Exhibit 6, Architectural Guidelines.

SECTION 1

GOVERNING ARTICLES

Protective Covenants

Basic authority for maintaining the quality of design at the *Village of Blue Heron Pines* is outlined in the Declaration of Covenants, Conditions and Restrictions provided as part of every owner's deed. All owners and residents whose properties are subject to these provisions must comply with all provisions of the Declaration.

The Declaration establishes the Blue Heron Pines Homeowners Association (BHP-HOA) and Architectural Design Review Committee (ADRC). The ADRC has the responsibility for the regulation and systematic review of all applications for exterior alterations submitted by residents.

Every property owner should have received a copy of the Declaration as part of the Public Offering Statement. If not, contact the Management Company to request a copy. Since the Declaration "runs with the land" it is binding on all owners and should be fully understood by the owners and their tenants, if a property is rented. Absentee or part time residents are still responsible for the complete adherence to the tenants of the Declaration and the guidelines of the ADRC.

Amendments to the Architectural Guidelines

These guidelines are evolutionary and may be amended. It is anticipated that the changes will be primarily additive and will not involve substantive changes of existing guidelines.

The ADRC will conduct a yearly evaluation of the guidelines to determine if amendments are required. Owners should submit requests for additions and/or changes to the guidelines to the BHP-HOA. The actual amendment proceedings will involve public discussions of the changes and review by the BHP-HOA. The decision for any and all changes rests with the Board of Directors.

What changes must have ADRC approval?

The Declaration explicitly states that exterior alterations require the approval of the ADRC.

Note: ADRC approval is not limited to major alterations such as adding a room or deck to a house. ADRC approval extends to all alterations and changes including changes in color of the home and materials. Approval is also required when an existing item is to be removed. Refer to the Table of Contents in Section 5 of the ADRC Guidelines for a more thorough list of the type of alterations that will require approval.

Each application is reviewed on an individual basis. There are no “automatic approvals”. A homeowner who wishes to construct a deck, for example, identical to one already approved by the ADRC, or build a fence identical to the standards contained in this resolution is required to submit an application. The ADRC will render a timely decision on all complete application packages. Homeowners may appeal ADRC decisions as prescribed in accordance with Section 8.08 of the Declaration.

Township Approvals

Many projects require township review and permits in addition to ADRC approval. The property owner is responsible for obtaining all required township approvals. Township authorities should be contacted before beginning any work in order to verify what permits are required.

Township approval does not preclude the need for ADRC approval, nor does ADRC approval relieve the applicant of the responsibility for complying with township ordinances.

Property Review and Fine Schedule

The BHP-HOA has charged the Management Company with the Responsibility of inspecting the community for deficiencies or infractions of the ADRC guidelines. The following inspection schedule is designed to promote compliance with the guidelines and promote a uniform highly attractive, livable community. Each inspection will be of all residences in the community, by section. Violation notices shall be issued following inspections, by section, assuring equal treatment of all resident members.

The following list represents the approximate dates when the Management Company will perform formal inspections: March 15th, May 15th, July 15th, September 15th, and November 15th.

No formal inspections will be conducted from November 15th through March 15th; however, casual observations may result in deficiency notices.

Please Note!

Owing to the large number of homes to be inspected, inspections will be done systematically by sections. This will result in some homeowners receiving notices ahead of others.

In the event of a discovered infraction, a letter of warning, **Notification #1**, will be sent to the homeowner with copies to the chairman of the ADRC. This letters' intent is to make the homeowner aware of the infraction, and give them ten (10) days to make restitution. Following is the procedure to be undertaken for all violations of the ADRC guidelines:

Notification #1: The resident will be contacted by the Management Company via regular mail to inform them of the deficiency. Copies of all correspondence will be kept on file, and forwarded to the chairman of the ADRC.

Notification #2: A "Property Report" will be mailed to the resident by the Management Company on behalf of the ADRC/Homeowners' Association ten (10) days after notification #1, to follow-up in writing the previous correspondence with the homeowner and to put a timeline to the correction of the deficiency of ten (10) days for landscape deficiencies and up to twenty (20) days for structural or physical repairs to the house. Residents have the right to appeal to the Management Company no later than seven (7) days following the receipt of notification #2. The board shall review the matter within seven (7) days of the filing of the appeal at an informal hearing at which all interested persons may attend and be heard. The board may affirm, reverse, or modify the decision of the ADRC. It is understood that certain deficiencies will require extra time to solve. Following a request by the homeowner, additional time can be given at the discretion of the ADRC on a case by case basis.

Notification #3: If the deficiency is not corrected within the time frame specified in notification #2, a formal final notice will be sent by certified mail to the resident by the Management Company on behalf of the ADRC, which will invoke a fine and possible lien of twenty-five dollars (\$25.00) per day, if the deficiency is not corrected within ten (10) days from the date of the final notice. The fines shall commence on the eleventh (11th) day and continue each and every day until the deficiency is corrected. Should any legal fees be required of the BHP-HOA these will also be the responsibility of the homeowner in addition to the fines.

Following are the letters to be used for each step of the violations procedure:
Notification #1, #2, #3

Blue Heron Pines Homeowners Association
c/o DiLucia Management Corporation
1000 Bally Bunion Drive Egg Harbor City, New Jersey
P. 609-804-3322 F. 609-804-3310
bhp@dilucia.com

DATE

Egg Harbor City, NJ 08215

Dear Resident,

During a recent review of the community, it was observed that the following standards of maintenance have not been met relative to your property at Blue Heron Pines. Though it is probably an oversight on your part, it is your responsibility to keep your property in a clean, attractive and serviceable appearance.

Please give attention to the following deficiencies in the next (10) ten days to avoid any further notices or fines from the A.D.R.C. or our office. Thank you in advance for your anticipated cooperation to this matter.

Landscaping/Gardening

- Overgrowth or Weeds in front/foundation gardens
- Overgrowth or Weeds in side yards
- Inadequate ground cover in side yards
ie. mulch, turf, stone
- Weeds in driveway or sidewalks
- Overgrowth in back yard
- Other _____

Mailboxes

- Post/Bracing needs to be repaired or replaced
- Post cap needs to be repainted or replaced
- Mailbox needs to be repaired or replaced
- Newspaper box needs to be repaired or replaced
- House numbers needs to be replaced
- Other _____

Exterior Home Maintenance

- Siding is damaged or needs to be replaced
- Trim or fascia is damaged or needs to be painted
- Front door, shutters or window trim needs to be painted
- Gutters or downspouts need to be repaired
- Other _____

Other Violations

- Trash cans/Recycling cans not properly stored
- Refuse or rubbish piles on property
- Doghouse or kennel visible
- Window fan or A/C unit in window
- Storage shed on property
- More than one real estate sign or
Open House signs left up
- Political or Advertising signs on property
- Other _____

Sincerely,

Cynthia Zurinkas, Community Manager
DiLucia Management

cc: Ed Mauthe. ARDC: Board of Directors



**THE VILLAGE OF
BLUE HERON PINES**

VILLAGEOF BLUE HERON PINES HOMEOWNERS ASSOCIATION
ARCHITECTURAL DESIGN REVIEW COMMITTEE
PROPERTY REPORT – DEFICIENCY NOTIFICATION #2

NAME _____

ADDRESS _____

DATE _____

Dear Neighbor:

The purpose of this notice is to serve as a reminder and also to encourage your continued support in assisting us as your representative to maintain *The Village of Blue Heron Pines* as a safe, enjoyable and attractive community in which to live.

Our intention is to provide information, direction and assistance to the members of our community as to the realization and understanding of the standards expressed by our guidelines and by-laws.

It is our hope that as a fellow BHP resident, you also appreciate the significant value of adequately maintained properties and will favorably respond to our request to:

Please make corrections within ten (10) days from the date above to avoid further action.

Your cooperation and effort is greatly appreciated and with your continued assistance, BHP will successfully continue to provide us all with a sincere sense of pride.

If we can answer any questions or help you in any way, please do not hesitate to contact us through our Management Company, Attention: Architectural Design Review Committee, on behalf of *The Village of Blue Heron Pines Homeowner's Association, Inc.*

Thank you,

VILLAGE OF BLUE HERON PINES HOMEOWNERS ASSOCIATION, INC.



THE VILLAGE OF
BLUE HERON PINES

VILLAGE OF BLUE HERON PINES HOMEOWNERS ASSOCIATION
ARCHITECTURAL DESIGN REVIEW COMMITTEE

PROPERTY REVIEW AND FINE NOTIFICATION #3

NAME _____

ADDRESS _____

DATE _____

Dear Neighbor:

This notice represents the third phase of a three-phase procedure, which began on _____ with a personal contact and followed up with an informal note on _____.

This procedure was established to kindly inform our fellow community members as to corrections that were necessary to keep their property within the minimal standards required by our by-laws and guidelines. By this time, we had hoped for your favorable response in this matter so that the necessity of this notice would not be required.

Violation: _____

However, due to the lack of response and/or compliance, we have no alternative but to invoke a fine in accordance with the Board-approved Administrative Resolution for fines. You are hereby notified that you have ten (10) days to rectify the above violation or be fined the sum of twenty-five dollars (\$25.00) for each and every day that the violation is not corrected. We hope you will respond with this notice so as to avoid implementation of the final step of these procedures, which may involve legal action.

If you have any questions, please contact us through our Management Company, Attention: Architectural Design Review Committee, on behalf of *The Village of Blue Heron Pines Homeowner's Association, Inc.*

Corrections are required within 10 days to avoid fine!

VILLAGE OF BLUE HERON PINES HOMEOWNERS ASSOCIATION, INC.
SECTION 2

DESIGN CRITERIA

General Principles

The Declaration requires the ADRC to apply certain standards in making its decisions. These standards underlie the specific guidelines contained in Section 5 and are more fully explained below.

Harmony With Overall Community Design or Contextual Relationship

Contextual relationship pertains to the characteristics of any existing structures, the neighborhood, and the individual site. What may be acceptable design in one instance may not be in another. For example, a request affecting a house surrounded by heavy woods will be viewed differently by the ADRC from one concerning a house along the golf course.

To be in harmony in its contextual relationship, a design must also be compatible. Compatibility is defined as an agreeable relationship in, and in some instances actual continuity of, architectural style, mass, proportions, rhythm, scale, quality of design and materials, and similar use of materials, color and design details.

- * **Mass** or **Massing** is the characteristic of pulling together the parts. The opposite of mass is disjointedness.
- * **Proportion** is the relationship of height to width, voids to solids, bulk of the structure to other nearby structures, and of the parts to the whole.
- * **Rhythm** refers to the regular occurrence of elements, such as windows, doors, colors, and trim detail.
- * **Scale** is the size, in three dimensions, of the proposed alteration. Its height, width, and bulk should relate well with its immediate and adjacent surroundings.
- * **Colors and material**, including siding, trim, doors, windows, gutters, downspouts, roofing, and all other architectural details must relate harmoniously within the project; they must also be in context with the neighborhood.

OTHER THINGS YOU NEED TO KNOW

DON'T COPY YOUR NEIGHBORS

When considering making an alteration or an addition to the exterior of your property, do not rely on what your neighbors may have done to their property. It may not have been approved, or it may have been disapproved and be awaiting modification. You are responsible for getting ADRC approval for your alteration or addition.

LOCATION AND IMPACT ON NEIGHBORS

The proposed alteration of improvement should relate favorably to the planning, landscaping, topography, and existing character of the neighborhood. The primary concerns are preservation of access, sunlight, ventilation, view, and drainage, as well as impact on the privacy and normal use of neighborhood property.

In reviewing impact on neighbors, the ADRC must balance the property rights and expectations of the property owner with the expectations of the neighbors. There is not always a perfect solution, but the ADRC will consider all aspects before making its decision.

WORKMANSHIP

The quality of work should be equal to or better than that originally used or occurs in the neighborhood. If past practices are no longer acceptable industry or code practices, current or better practices must be followed.

AFFECTED PARTIES

Often neighboring property owners may be affected if a proposed request is approved by the ADRC. Thus, the ADRC requires notification of directly adjacent affected neighbors of any proposed change. Procedures setting forth the rights of affected parties are included in the ADRC Procedures.

CHANGES BY PREVIOUS OWNERS

Purchasers of a previously occupied property are sometimes surprised and disturbed when they receive notice that, because of an unapproved exterior alteration or addition made by a previous owner, they are in violation of the covenants.

Current owners may be responsible for any existing violations. Any owners finding themselves in this situation should submit an application explaining the situation and seeking approval from the ADRC.

The unpaid balance of the current quarter's association assessment on said property shall be paid at closing directly to the Blue Heron Pines Homeowners Association, Inc. This amount totals \$_____.

At settlement, there will be a charge to the Buyer for working capital contribution in the amount of two (2) months of assessments equal to \$_____.

Buyer does hereby acknowledge receipt of a copy of the Public Offering Statements applicable to the unit, in which is included a copy of the Declaration of Covenants, Conditions, and Restrictions applicable to the BHP-HOA, a copy of the budget of the BHP-HOA and relevant documentation applicable to BHP "Architectural Guidelines" and the By-Laws of the BHP-HOA, in applicable.

Buyer Acknowledgement: _____

Signature Date

Signature Date

BHP-HOA Acknowledgement _____

Signature Date
Management Company
Representative

SECTION 3

STANDARDS FOR MAINTENANCE OF IMPROVEMENTS

In accordance with the covenants and pursuant to the By-Laws, the following minimum standard of maintenance has been established and assigns the responsibility of administration of these covenants to the Architectural Design Review Committee. (Site inspections by the ADRC or by the Management Company on behalf of the ADRC on a routine basis, will serve to insure that the minimum maintenance standards are being met).

Owners of property subject to the Deed of By-Laws and Covenants of the Village of Blue Heron Pines (the covenants) shall keep their property in a clean, attractive, and serviceable appearance. Such maintenance includes, but is not limited to the following:

1. Repainting, restaining, renovating, on a periodic basis as needed, exterior surfaces which are significantly different in appearance from the original appearance, by reason of weathering, fading, peeling, cracking, blistering, staining, mildewing, spalling, or otherwise.
2. Replacement of missing elements or repair of exterior damage or deterioration, including, but not limited to:
 - Siding, trim, fascia, roofing, doors, shutters, gutters, downspouts, flues, windows or screens;
 - Fences, walls, decks, recreational structures, exterior light fixtures;and
 - Walks, driveways, and pavement.
3. Replacement or repair of fences, walls, retaining walls which are no longer substantially stable or plumb.
4. Maintaining the landscaping and grounds in a presentable manner, including, but not limited to mowing of turf, weed removal or prevention, remulching of property, pruning and care of plant material, leaf removal and control, etc., except that which is provided as a service by the BHP-HOA.

Note: The removal of an approved architectural or landscape element must be approved by the ADRC.

SECTION 4

APPLICATION PROCEDURES

The following brief outline describes the steps necessary to complete and submit an application for alterations or additions to existing improved property. A sample of the required application form follows. (Remember incomplete applications will be returned to the homeowner for completion).

General Information

1. Pick up an application form from the Property Management Office, or download from the BHP-HOA ADRC site. You can also call the management office and one will be mailed to you.

Thoroughly read the information provided on the form, check the appropriate section in this booklet, and if you need more information, contact either a member of the ADRC or the Property Management Office for assistance.

Think about what you want to do. Consider the impact it might have on your neighbors. Decide what it is that you want. Keep in mind your neighbors must sign, or at least be given a reasonable attempt at signing, your completed application as “affected adjacent neighbors”. In the event that a signature is not obtained, a description of the reason must accompany the application. Their signature, while a courtesy, indicates notification, “hopefully discussion”, but not necessarily agreement.

Complete the application totally. Provide all information indicated in the appropriate guideline in Section 5 of this booklet.

Improvements may be constructed by the homeowner or by a licensed contractor. It should be understood, if a licensed contractor is used, that the homeowner, for their own protection, should request a copy of the license and workman’s compensation and liability insurance certificate for their records. Any construction performed by the homeowner or licensed contractor is done so with the complete knowledge that all liability for personal safety, property damage to personal and/or Association property is solely at the homeowner’s risk and responsibility.

Once final approval has been granted, work must commence within ninety (90) days, and work must be completed within a reasonable time frame dependent on the complexity of the project. Failure to complete the work within

this time frame may result in the Association taking action to arrange completion of the improvement or removal at the homeowner's expense.

The homeowner is solely responsible for any damage caused to utility lines buried in the improvement area, before, during and after construction. It therefore behooves the homeowner to contact the proper utility companies prior to the submission of the construction plan to determine if any holes to be dug (or ground modification) will interfere with any utility lines, and also determine the proper clearance required for servicing and gas meter. Garden State Underground Plant Location Service (800-272-1000) will assist the homeowner in notifying some of the utility companies who will in turn come out and mark the location of their respective underground fixtures. If the improvement plan requires changes or alteration resulting from these fixture locations, then it must be re-submitted to the ADRC before final approval can be granted.

A Construction and Maintenance Waiver and an Acknowledgement of Compliance Form must be signed by the homeowner and submitted with your application before final approval can be granted and will be kept on record.

Any improvement or change of any home occupied by a tenant must be done with written permission of the owner. Proof of such permission must be presented to the ADRC and kept on record.

Regular Procedures

1. Obtain an application form from either the Management Company or download one from the internet (<http://www.bhp-hoa.com> and look under committees for the ADRC section and click on "guidelines").
2. Complete the application providing all information indicated on the form in addition to any related attachments required for explanatory support of your intentions. (Note: the application form should indicate the number of attachments and each attachment should be numbered and identified by address). Please double check to insure the submittal is 100% complete.
3. Either hand-deliver or mail your completed application to the Management Office. Applications will then be forwarded to the ADRC for consideration.
4. Your application will be provided to each of the ADRC members so that they will have an opportunity to review it and if necessary visit your property to gain a better appreciation for the merits of the request.

5. You and/or your neighbors as affected parties, may attend a meeting of the ADRC to openly discuss the applications and impacts of the proposed application.

Note: Required signatures of affected parties intend to serve as a courtesy to inform property owners of the proposed improvements.

* A copy of your application and cover letter noting the review decision will be forwarded to you upon the official approval, denial or request for additional information.

* The original application is filed in a folder for your property and is maintained at the Community Management Office.

* If either you or an affected party disagree with the decision, either may appeal it by filing appropriate papers in accordance with Section 8.08 of the Declaration. Contact the Property Management Office for further information and assistance.

BLUE HERON PINES
HOMEOWNERS' ASSOCIATION
ARCHITECTURAL DESIGN REVIEW COMMITTEE
APPLICATION REQUIREMENTS FOR EXTERIOR ADDITION OR
ALTERATION

APPLICATION REQUIREMENTS:

1. Applicant must be unit owners or co-owners.
2. This application must be accompanied by a plot plan (plat, site plan or reasonable facsimile) showing location and dimensions of the addition and a description of the materials and colors to be used. See Guidelines – Alterations, Additions, and Improvements.
3. In the event the ADRC fails to render its decision on this application within sixty (60) days of receipt of this application, the request shall be deemed to be denied.
4. Adjacent neighbors **must sign off** on **all supportive documents submitted** with this application indicating that they have been notified of the proposed project. A reasonable attempt must be made to gain these signatures. In the event that the signatures cannot be obtained, a written description of the reasons must be presented with the application.

5. This ADRC approval is in conjunction with the Village of Blue Heron Pines By-Laws. Further, it is understood the property owner will meet all building and architectural codes established by Galloway Township. The applicant is responsible for acquiring the proper approval from the Township, County, and State, if deemed necessary.

6. Construction and Maintenance Waiver must be completed and returned with this application.

REASON FOR ADDITION/ALTERATION Use additional page if needed:

DESCRIPTION OF WORK (CONTINUED FROM FRONT PAGE)